

ESTTA Tracking number: **ESTTA571085**

Filing date: **11/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	bebe studio inc
Granted to Date of previous extension	11/17/2013
Address	10345 West Olympic Blvd Los Angeles,, CA 90064 UNITED STATES
Attorney information	Gary Bosch bebe studio inc 400 Valley Drive, Brisbane, CA 94005 UNITED STATES gbosch@bebe.com, lsmith@bebe.com Phone:415-657-4644

Applicant Information

Application No	85650384	Publication date	05/21/2013
Opposition Filing Date	11/15/2013	Opposition Period Ends	11/17/2013
Applicant	M/s Beebay Kids Apparels Private Limited D-104, Okhla Industrial Area, Phase - I New Delhi, INX 110020 INX		

Goods/Services Affected by Opposition

Class 035. First Use: 2000/06/01 First Use In Commerce: 2011/05/17
All goods and services in the class are opposed, namely: Retail and wholesale store services featuring clothing, footwear and headgear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2038435	Application Date	10/31/1995
Registration Date	02/18/1997	Foreign Priority Date	NONE
Word Mark	BEBE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1976/07/00 First Use In Commerce: 1976/10/00 retail store services for women's clothing and accessories

U.S. Registration No.	1652462	Application Date	10/17/1988
Registration Date	07/30/1991	Foreign Priority Date	NONE

Word Mark	BEBE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1976/07/00 First Use In Commerce: 1976/10/00 [MEN'S AND] WOMEN'S APPAREL, NAMELY, SHIRTS, BLOUSES, PANTS, JACKETS, COATS, SWEATERS, SUITS AND DRESSES; AND ACCESSORIES, NAMELY, BELTS, SCARVES AND HATS
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U.S. Registration No.	2496624	Application Date	08/27/1998
Registration Date	10/09/2001	Foreign Priority Date	NONE

Word Mark	BEBE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1999/04/22 First Use In Commerce: 1999/06/10 FOOTWEAR, NAMELY, LOAFERS, ESPADRILLES,SANDALS, THONGS, MULES, PUMPS
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U.S. Registration No.	2690952	Application Date	08/29/2001
Registration Date	02/25/2003	Foreign Priority Date	NONE


Word Mark	BEBE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1998/09/30 First Use In Commerce: 1998/09/30 bras, panties, pajamas, slips, [robes,] pantyhose,camisoles
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U.S. Registration	3339845	Application Date	07/21/2006
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No.			
Registration Date	11/20/2007	Foreign Priority Date	NONE
Word Mark	BEBE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1994/06/01 First Use In Commerce: 1994/06/05 Purses, clutch bags, shoulder bags, tote bags and backpacks		

U.S. Registration No.	2494865	Application Date	06/30/1999
Registration Date	10/02/2001	Foreign Priority Date	NONE
Word Mark	BEBE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1997/05/01 First Use In Commerce: 1997/05/01 [CLOCKS,] WATCHES AND WRISTWATCHES		

U.S. Registration No.	2328170	Application Date	07/22/1998
Registration Date	03/14/2000	Foreign Priority Date	NONE
Word Mark	BEBE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1976/07/00 First Use In Commerce: 1976/10/00 JEWELRY, NAMELY, EARRINGS, RINGS, NECKLACES, PENDANTS, AND		

	BRACELETS		
U.S. Registration No.	2289914	Application Date	02/17/1998
Registration Date	11/02/1999	Foreign Priority Date	NONE
Word Mark	BEBE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/12/15 First Use In Commerce: 1996/12/15 eyewear		

Attachments	73757935#TMSN.gif(bytes) 78081700#TMSN.gif(bytes) 78935123#TMSN.jpeg(bytes) 75523565#TMSN.gif(bytes) 75435752#TMSN.gif(bytes) Notice of Opposition (BEEBAY).pdf(724693 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Gary Bosch/
Name	Gary Bosch
Date	11/15/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 85/650,384

For the mark BEEBAY

Published in the *Official Gazette* on May 21, 2013 (the term for opposition having been extended to November 17, 2003)

bebe studio, inc.,

Opposer,

vs.

M/s Beebay Kids Apparels Private Limited,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Opposer bebe studio, inc., a California corporation, with its principal place of business at 10345 West Olympic Blvd, Los Angeles, CA 90064 believes that it would be damaged by the registration of the mark described below.

Mark:	BEEBAY
Serial No:	85650384
Filing Date:	June 13, 2012
Goods/Services:	Retail and wholesale store services featuring clothing, footwear and headgear, in Class 35
Applicant:	M/s Beebay Kids Apparels Private Limited

As grounds for opposition, bebe studio, inc. alleges as follows:

1. Opposer through its related companies and predecessors (hereinafter collectively “Opposer”), designs, markets and sells, a well-known distinctive line of contemporary women’s apparel, footwear and headgear, as well as handbags, jewelry, fragrances, eyewear, and other fashion accessories.

2. Opposer owns U.S. trademark Reg. No. 2038435 for the mark BEBE issued on February 18, 1997 in Class 42 based on first use on July 1976 which covers the following services: retail store services for women’s clothing and accessories. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 1, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

3. Opposer owns U.S. trademark Reg. No. 1652462 for the mark BEBE issued on July 30, 1991 in Class 25 based on first use on July 1976 which covers the following goods: Men’s and women’s apparel, namely shirts, blouses, pants, jackets, coats, sweaters, suits and dresses, and accessories, namely belts, scarves and hats. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 2, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

4. Opposer owns U.S. trademark Reg. No. 2496624 for the mark BEBE issued on October 9, 2001 in Class 25 based on first use on April 22, 1999 which covers the following goods: Footwear, namely loafers, espadrilles, sandals, thongs, mules and pumps. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the

Trademark Act. Attached hereto as Exhibit 3, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

5. Opposer owns U.S. trademark Reg. No. 2690952 for the mark BEBE issued on February 25, 2003 in Class 25 based on first use on September 30, 1998 which covers the following goods: bras, panties, pajamas slips, robes, pantyhose, camisoles. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 4, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

6. Opposer owns U.S. trademark Reg. No. 3339845 for the mark BEBE issued on November 7, 2007 in Class 18 based on first use on June 1, 1994 which covers the following goods: purses, clutch bags, shoulder bags, tote bags and backpacks. This registration is valid and subsisting. Attached hereto as Exhibit 5, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

7. Opposer owns U.S. trademark Reg. No. 2494865 for the mark BEBE issued on October 2, 2001 in Class 14 based on first use on May 1, 1997 which covers the following goods: watches and wristbands. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 6, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

8. Opposer owns U.S. trademark Reg. No. 2328170 for the mark BEBE issued on March 14, 2000 in Class 14 based on first use on July 1976 which covers the following goods: jewelry, namely earrings, rings, necklaces, pendants and bracelets. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 7, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

9. Opposer owns U.S. trademark Reg. No. 2289914 for the mark BEBE issued on November 2, 1999 in Class 9 based on first use on December 15, 1996 which covers the following goods: eyewear. This registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act. Attached hereto as Exhibit 8, and made record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of registration.

10. Opposer owns BEBE marks in addition to those set forth here.

11. Opposer's marks are prior and superior to any rights Applicant may claim in Applicant's mark.

12. Opposer own and operates approximately 185 stores within the United States. Opposer has engaged in large scale e-commerce through both its website and its mobile application, and Opposer has a highly active social media presence.

13. There is a likelihood of confusion between Opposer's BEBE mark and Applicant's BEEBAY mark because they sound alike, look alike, and are used on similar services that offer the same products.

14. Throughout the widespread use and advertising of its BEBE marks over a long period of time and by virtue of the quality of goods sold in connection with BEBE marks, the BEBE marks have achieved extensive recognition and are famous in the United States and worldwide, which could be jeopardized by Applicant's use and registration of BEEBAY. Many celebrities wear BEBE clothing. Further, advertisements for the BEBE mark regularly appear in popular fashion magazines such as *Vogue*, *Elle*, *Glamour*, *Marie Claire* and *InStyle*, and billboards featuring the BEBE mark are displayed in cities across the United States. Applicant's use of the BEEBAY mark would cause a likelihood of dilution and impairing the distinctiveness of Opposer's famous BEBE mark, causing irreparable injury and damage to Opposer.

15. The grant of a registration to Applicant for BEEBAY would create statutory rights in Applicant in violation and derogation of the established prior rights of Opposer and would result in detriment, dilution, harm, and damage to Opposer.

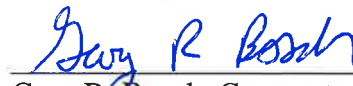
16. WHEREFORE, Opposer prays that application Serial No. 85/650384 be rejected, that no registration be issued for the mark BEEBAY and this opposition be sustained in its favor.

17. The \$300 fee may be charged to Deposit Account No. 501254.

Dated: November 15, 2013

Respectfully submitted,

bebe studio, inc.



Gary R. Bosch, Corporate Counsel
400 Valley Drive
Brisbane, CA 94005
415-657-4644

EXHIBIT 1



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Typed Drawing

Word Mark	BEBE
Translations	The English translation of "BEBE" is "Queen in a Persian deck of cards".
Goods and Services	IC 042. US 100 101. G & S: retail store services for women's clothing and accessories. FIRST USE: 19760700. FIRST USE IN COMMERCE: 19761000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75012867
Filing Date	October 31, 1995
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 26, 1996
Registration Number	2038435
Registration Date	February 18, 1997
Owner	(REGISTRANT) Babe, Inc. CORPORATION CALIFORNIA 380 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 860 SOUTH LOS ANGELES ST. SUITE 600 LOS ANGELES CALIFORNIA 90014
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	LISA GATES
Prior Registrations	1652462;1950771
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070925.
Renewal	1ST RENEWAL 20070925
Live/Dead Indicator	LIVE

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Word Mark	BEBE
Goods and Services	IC 025. US 022 039. G & S: [MEN'S AND] WOMEN'S APPAREL, NAMELY, SHIRTS, BLOUSES, PANTS, JACKETS, COATS, SWEATERS, SUITS AND DRESSES; AND ACCESSORIES, NAMELY, BELTS, SCARVES AND HATS. FIRST USE: 19760700. FIRST USE IN COMMERCE: 19761000
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	73757935
Filing Date	October 17, 1988
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 23, 1990
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1652462
Registration Date	July 30, 1991
Owner	(REGISTRANT) BABE, INC. CORPORATION CALIFORNIA 380 VALLEY DRIVE BRISBANE CALIFORNIA 94005 (LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 10345 WEST OLYMPIC BLVD. LOS ANGELES CALIFORNIA 90064
Assignment	ASSIGNMENT RECORDED

Recorded**Attorney of
Record**

Larry Smith

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110722.

Renewal

2ND RENEWAL 20110722

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Indicator**

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Typed Drawing

Word Mark	BEBE
Goods and Services	IC 025. US 022 039. G & S: FOOTWEAR, NAMELY, LOAFERS, ESPADRILLES, SANDALS, THONGS, MULES, PUMPS. FIRST USE: 19990422. FIRST USE IN COMMERCE: 19990610
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75543404
Filing Date	August 27, 1998
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 5, 2000
Registration Number	2496624
Registration Date	October 9, 2001
Owner	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 860 SOUTH LOS ANGELES ST. #600 LOS ANGELES CALIFORNIA 90014
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Larry Smith
Prior Registrations	1652462;1950771;1992129;2328170;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110927.
Renewal	1ST RENEWAL 20110927
Live/Dead	

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Word Mark	BEBE
Translations	The English translation of the word "bebe" in the mark is the "Queen of hearts" in a Persian deck of cards.
Goods and Services	IC 025. US 022 039. G & S: bras, panties, pajamas, slips, [robes,] pantyhose, camisoles. FIRST USE: 19980930. FIRST USE IN COMMERCE: 19980930
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78081700
Filing Date	August 29, 2001
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 3, 2002
Registration Number	2690952
Registration Date	February 25, 2003
Owner	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005 (LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 10345 WEST OLYMPIC BLVD. LOS ANGELES CALIFORNIA 90064
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Larry Smith
Description of	

Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130221.
Renewal 1ST RENEWAL 20130221
Live/Dead Indicator LIVE

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BEBE

Word Mark	BEBE
Goods and Services	IC 018. US 001 002 003 022 041. G & S: Purses, clutch bags, shoulder bags, tote bags and backpacks. FIRST USE: 19940601. FIRST USE IN COMMERCE: 19940605
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78935123
Filing Date	July 21, 2006
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 4, 2007
Registration Number	3339845
Registration Date	November 20, 2007
Owner	(REGISTRANT) bebe studio, inc. CORPORATION CALIFORNIA 10345 West Olympic Blvd. Los Angeles CALIFORNIA 90064
Attorney of Record	Gary Bosch
Prior Registrations	2690952
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	BEBE
Translations	The English translation of "bebe" is "the Queen of Hearts" in a Persian deck of cards.
Goods and Services	IC 014. US 002 027 028 050. G & S: [CLOCKS,] WATCHES AND WRISTWATCHES. FIRST USE: 19970501. FIRST USE IN COMMERCE: 19970501
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75740809
Filing Date	June 30, 1999
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 3, 2000
Registration Number	2494865
Registration Date	October 2, 2001
Owner	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 380 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) Bebe Studio, Inc. CORPORATION CALIFORNIA 10345 W. Olympic Blvd. Los Angeles CALIFORNIA 90064
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Larry Smith
Prior Registrations	1652462;1992129
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110928.
Renewal	1ST RENEWAL 20110928
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	BEBE
Translations	The English translation of "BEBE" is "queen of hearts".
Goods and Services	IC 014. US 002 027 028 050. G & S: JEWELRY, NAMELY, EARRINGS, RINGS, NECKLACES, PENDANTS, AND BRACELETS. FIRST USE: 19760700. FIRST USE IN COMMERCE: 19761000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75523565
Filing Date	July 22, 1998
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 21, 1999
Registration Number	2328170
Registration Date	March 14, 2000
Owner	(REGISTRANT) bebe stores, inc. CORPORATION CALIFORNIA 380 Valley Drive Brisbane CALIFORNIA 94005
	(LAST LISTED OWNER) bebe studio, inc. CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	LARRY SMITH
Prior Registrations	1652462;1950771
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100219.

Renewal 1ST RENEWAL 20100219
Live/Dead Indicator LIVE

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EXHIBIT 8



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Word Mark	BEBE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: eyewear. FIRST USE: 19961215. FIRST USE IN COMMERCE: 19961215
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	75435752
Filing Date	February 17, 1998
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 10, 1999
Registration Number	2289914
Registration Date	November 2, 1999
Owner	(REGISTRANT) BEBE STORES CORPORATION CALIFORNIA 400 Valley Drive Brisbane CALIFORNIA 94005 (LAST LISTED OWNER) BEBE STUDIO, INC. CORPORATION CALIFORNIA 10345 West Olympic Blvd. Los Angeles CALIFORNIA 90064
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Larry Smith
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

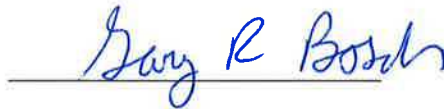
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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2013, a copy of the foregoing NOTICE OF
OPPOSITION was sent by first-class mail postage pre-paid to Applicants' Attorney of
Record:

Max Vern
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 Park Ave
New York, NY 10016-1301



Gary R. Bosch